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Pay & Allow

289601
7 Oct

6 October 1954

OGC Has Reviewed

MEMORANDUM FOR: Acting Chief, Finance Division

25X1A9a

SUBJECT : Indebtedness of Lt. [REDACTED]

REFERENCE : Memo, dated 27 Sept. 1954, for OGC fr AC/PD, same subject

1. Your memorandum requested the "action and/or recommendation" of this Office as "to what further steps may be taken" as regards the sum of \$73.97 which, it has been determined, Lt. Colonel [REDACTED] owes this Agency.

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2. From the accompanying file, it would appear that the administrative determination as to the amount of the indebtedness appropriately has been made, that demand for the sum has been made upon, and acknowledged by, Colonel [REDACTED] and that he has refused to make payment.

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3. On this state of the record, it is suggested that a sufficient statement of facts to support the claim, and the claim, be forwarded in the usual manner to the General Accounting Office for appropriate action by either that office or the Department of Justice. Also it is suggested that, simultaneously, Colonel [REDACTED] be notified of the Agency's actions in the premises by separate letter addressed to him through military channels. This letter should contain, inter alia, a statement of his liability for failure to account under the Act of June 25, 1948, 62 Stat. 726, 18 U.S.C. 643, "Accounting generally for public money", a copy of which is enclosed, and an additional demand for a remission of the sum involved.

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4. For your information we add the following. It is doubtful that recovery can be had through the Government Accounting Office-Department of Justice Channel. It is well settled that, unless pursuant to the sentence of a court martial or as representative of an erroneous payment, monies owed the United States may not be deducted from the pay of an officer on active duty with any of the Armed Forces. Likewise it is doubtful that the

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Department of Justice would undertake criminal proceedings where only \$73.95 was at stake. This dispensation indicates the preferability of a continued attempt at collection through military channels, incident to which pressures other than purely legal ones are brought to bear and usually to ends favorable to the government. However, we feel that, whatever Colonel [REDACTED] reaction to the pursuit of the matter through military channels, the fact of his presently owing money to the United States and refusing to repay it should be made a matter of public record.

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5. Your file is returned.

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[REDACTED]

Office of the General Counsel

Attachments

OGC:HF:pkb

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Legal

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subject ✓

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